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Atty Dkt: SANCHEZ #2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

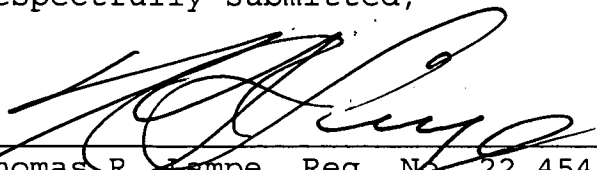
In re Application)	Customer No. 40992
)	
Steve Sanchez)	Art Unit: 2621
)	
Serial No. 10/800,896)	Examiner: Vo, Tung T.
)	
Filed: March 15, 2004)	Dated: December 5, 2007
)	
For: FLAT PANEL TV SCREEN)	<u>APPELLANT'S AMENDED BRIEF ON APPEAL</u>
FRAME SYSTEM)	
)	

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Accompanying this cover letter is APPELLANTS'S AMENDED BRIEF ON APPEAL to be substituted for the APPELLANT'S BRIEF ON APPEAL express mailed to the Patent Office on November 15, 2007.

The amended Brief is identical to the originally filed Brief except for page 22. In the original Brief Claim 24 was inadvertently omitted from the claims listed on that page, and the Amended Brief has been corrected to include Claim 24.

Respectfully submitted,

By: 
Thomas R. Lampe, Reg. No. 22,454
BIELEN, LAMPE & THOEMING
1390 Willow Pass Road, Suite 1020
Concord, CA 94520
(925) 288-9720



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REAL PARTY OF INTEREST

The real party of interest in the Appeal is applicant Steve Sanchez.

RELATED APPEALS AND INTERFERENCES

There are no appeals or interferences which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending Appeal.

STATUS OF CLAIMS

Claims 3, 6, 7, 9 - 14, 24, 26, 27 and 28 are now in the case. Claims 3, 6, 7, 9 - 14, 24, 26 and 27 were rejected in a Final Office Action. Claim 28 has been allowed.

A Notice of Appeal was filed in connection with this case on October 12, 2007.

Claims 3, 6, 7, 9 - 14, 24, 26 and 27, the claims under appeal, are set forth in the Claims Appendix attached hereto.

STATUS OF AMENDMENTS

No Amendments After Final Rejection have been filed.

SUMMARY OF THE CLAIMED SUBJECT MATTER

This invention relates to apparatus for connection to a flat panel TV screen to improve the appearance thereof and to facilitate operation of audio and video functions related to the flat panel TV screen.

There are two independent claims under appeal - Claims 24 and 27. Claims 3, 6, 7, 9 - 14 and 26 depend either mediately or immediately from Claim 24.

Claim 24 recites apparatus for connection to a flat panel TV screen to improve the appearance thereof and to facilitate operation of audio and video functions related to said flat panel TV screen, said flat panel TV screen having a screen viewing area and a housing surrounding the screen viewing area, said apparatus including a frame (specification page 7, lines 4 - 20. Figs. 3A - 3D) having a frame top, a frame bottom and frame sides defining a frame opening larger than the size of the screen viewing area of the flat panel TV screen and a mat (specification page 7, line 9, to page 8, line 1. Figs. 3A - 3D) having a fixed rectangular configuration releasably attached to said frame extending inwardly from the frame top, frame bottom and frame

sides along the entire combined length thereof into the frame opening, said mat being formed of material (specification page 7, lines 18 - 19. Figs. 3A - 3D) allowing passage therethrough of wireless control transmissions and having a mat opening smaller than said frame opening, and connector structure (specification page 7, lines 20 - 26. Figs. 3A - 3D) for connecting said releasably attached frame and mat to said flat panel TV screen, said mat when said releasably attached frame and mat are connected to said flat panel TV screen by said connector structure being maintained in a fixed position and immovable relative to said frame and viewing area, extending from said frame toward said screen viewing area and completely surrounding said screen viewing area, said mat being sized and configured to allow viewing of said screen viewing area through said frame opening and through said mat opening, said releasably attached frame and mat cooperable to substantially cover said housing and substantially shield said housing from view by a person observing said screen viewing area while allowing control of audio and video functions by wireless control transmissions through the apparatus.

Claim 3 depends from Claim 24 and states that the connection structure comprises a plurality of brackets (specification page 6, line 20, to page 7, line 2. Fig. 2; specification page 8, lines 2 - 8. Fig. 4) defining recesses

receiving the housing at spaced locations on the housing.

Claim 6 depends from Claim 26 which in turn depends from Claim 24. Claim 26 recites mat attachment structure for releasably attaching the mat to the frame whereby the mat may be removed from the frame and replaced by a substitute mat. Claim 6 further recites that the mat attachment structure maintains the mat in a substantially planar condition (specification page 6, line 16, to page 8, line 2).

Claim 7 depends from Claim 24 and recites that the apparatus includes an electronic component receptacle on the frame defining a receptacle interior for receiving at least one electronic component operatively associated with the flat panel TV screen operable by wireless control transmissions from a control external of the apparatus, the electronic component receptacle being disposed behind the frame and substantially hidden from view by a person positioned in front of the flat panel TV screen (specification page 8, line 9, to page 10, line 22. Figs. 4 - 11).

Claim 9 depends from Claim 7 and recites that the electronic component receptacle is divided into a plurality of compartments, each defining a compartment interior, said receptacle interior being at least partially comprised of said compartment interiors, each said compartment interior for receiving a modular electronic component operable by said

wireless control transmissions (specification page 8, line 16, to page 10, line 16. Figs. 4 - 10).

Claim 10 depends from Claim 7 and states that the apparatus additionally includes receptacle connector structure releasably connecting said electronic component receptacle to said frame (specification page 8, line 16, to page 10, line 16. Figs. 4 - 10).

Claim 11 depends from Claim 9 and states that the electronic component receptacle defines a plurality of primary openings communicating with said compartment interiors and facilitating selective installation or removal of said modular electronic components (specification page 9, line 20, to page 10, line 16. Figs. 6 - 10).

Claim 12 depends from Claim 11 and states that the electronic component receptacle additionally defines a plurality of auxiliary openings for accommodating wires extending between module electronic components received by said compartment interiors and said flat panel TV screen (specification page 9, line 20, to page 10, line 16. Figs. 6 - 10).

Claims 13 and 14 depend from Claim 9, Claim 13 stating that the apparatus additionally comprises an electrical connector receptacle for receiving a multi-outlet electrical connector employed to provide an electrical connection between the modular electronic components and a source of electricity. Claim 14

depends from Claim 13 and states that the electrical connector receptacle is integral with the frame (specification page 9, lines 5 to 14. Fig. 5).

Claim 27 recites apparatus for releasable connection to a flat panel TV screen to improve the appearance thereof and to facilitate operation of audio and video functions related to said flat panel TV screen, said flat panel TV screen having a screen viewing area and a housing surrounding the screen viewing area, said apparatus including a frame (specification page 10, line 17. Fig. 11) completely surrounding the screen viewing area of the flat panel TV screen when the frame is connected to the flat panel TV screen, and a wireless receiver located in said frame (specification page 10, lines 17 - 18. Fig. 11) for receiving wireless transmissions transmitted toward said frame from a transmitter (specification page 10, lines 19 and 20. Fig. 11) external of said frame operatively associated with audio/video equipment (specification page 10, lines 20 - 23. Fig. 11) external of said frame and receiving electronic signals from said audio/video equipment, said receiver being hidden from view by an observer of said flat panel TV screen and operatively associated with said flat panel TV screen when the apparatus is connected to the flat panel TV screen for inputting said electronic signals into said flat panel TV screen.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Claims 3, 6, 7, 9 - 14, 24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kohno et al. (U.S. 5,343,257) in view of Grein et al. (U.S. 2001/0033344) and in view of Lin (U.S. 6,826,869).

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Grein et al. (U.S. 2001/0033344) in view of Kim (U.S. 6,678,152).

GROUPING OF CLAIMS

All claims under appeal are rejected on the basis of 35 U.S.C. 103(a); however, Claim 27, as indicated above, has been rejected on a combination of references different from the combination of references applied to Claims 3, 6, 7, 9 - 14, 24 and 26. The rejected claims are considered by applicant to be separately patentable. The claims are being argued separately and are not together with respect to the issue of patentability. It is requested that the Board consider the issue of patentability for each claim. The rejected claims do not stand or fall together.

ARGUMENT

Claim 24 is an independent claim reciting a specific combination of structural elements which cooperate in a unique manner and which are not taught by Kohno et al., Grein, et al., or Lin, either taken together as references or separately.

Claim 24 is directed to apparatus for connection to a flat panel TV screen to improve the appearance thereof and to facilitate operation of audio and video functions related to said flat panel TV screen.

The apparatus recited in Claim 24 includes a frame having a frame top, a frame bottom and frame sides defining an opening larger than the size of the screen viewing area of a flat panel TV screen and a mat having a fixed rectangular configuration releasably attached to the frame.

The mat extends inwardly from the frame top, frame bottom and frame sides along the entire combined lengths thereof into the frame opening. The recited mat is formed of material allowing passage therethrough of wireless control transmissions and has a mat opening smaller than the frame opening.

The apparatus set forth in Claim 24 also includes connector structure for connecting the releasably attached frame and mat to the flat panel TV screen. The mat, when the releasably attached frame and mat are connected to the flat panel TV screen by the connector structure, being maintained in a fixed position and immovable relative to the frame and viewing area, extending from the frame toward the screen viewing area and completely surrounding the screen viewing area. The mat is sized and configured to allow viewing of the screen viewing area through the frame opening and through the mat opening.

It is further recited that the releasably attached frame and mat are cooperable to substantially cover the housing and substantially shield the housing from view by a person observing the screen viewing area while allowing control of audio and video functions by wireless control transmissions through said apparatus.

The structural elements and cooperative relationships existing therebetween as set forth in Claim 24 (which facilitates and allows actual use and control of the TV while also providing a pleasing aesthetic appearance) is not taught or suggested by Kohno et al., Grein et al., or Lin.

An important aspect of applicant's invention resides in the ability of the apparatus to readily adapt to and be used with flat panel TV screens of different sizes. This is due to the fact that the mat and frame of applicant's apparatus are releasably attached, that is, separate and separable structural components. One of the advantages of this arrangement is that a single sized frame may be used in conjunction with different mats, e.g. mats with different mat top, bottom and side lengths and widths to adapt the structure to flat panel TV screens with different sized housings and viewing areas. Flat panel TV screens come in many different heights and widths, with the housings and viewing areas also differing in heights and widths. Also, the releasable attachment feature enables mats of the same

size but of different appearances to be readily interchanged.

The frame is defined in Claim 24 as having a frame top, a frame bottom and frame sides defining the frame opening. The mat specifically recited in the claim has a fixed rectangular configuration and extends inwardly from the frame top, the frame bottom and the frame sides along the entire combined lengths thereof into the frame opening.

The apparatus is readily adapted to different sizes and models of flat panel TV screens. Utilizing the teachings of applicant's invention, a frame size may be chosen to completely surround a maximum size screen, with the mat being chosen or selected to "fill in" the space between the outer edge of the screen housing and the viewing area of the screen at the top, bottom and sides. Applicant's invention readily allows viewing of the viewing area. The mat is claimed as being maintained in a fixed position and immovable relative to the frame and screen viewing area and completely surrounding the screen viewing area.

Also important is the recitation that the mat is formed of material allowing passage therethrough of wireless control transmissions. Thus, as also set forth in Claim 24, the releasably attached frame and mat not only are cooperable to substantially cover the housing and shield it from view but they allow control of audio and video functions by wireless control transmissions through the apparatus. Applicant's claimed

invention therefore allows and facilitates full use and control of audio and video functions while improving the appearance of the TV outside the viewing area thereof.

Kohno et al. does not teach or even remotely suggest the structural elements and cooperative relationships set forth in Claim 24 amended. Kohno et al. is simply exemplary of screen covers, devices generally well known in the prior art to cover TV screens when the screens are not being viewed. Kohno et al. purportedly differs from other types of screen covers by virtue of the fact that rollers of the Kohno et al. device can be utilized to move an endless cover sheet which incorporates two openings, the openings located in front and back segments of the cover. Rotation of the rolls is utilized to change overlap of the two windows or openings to change the transverse width W that may be viewed through overlapped portions of the two windows.

This arrangement is completely different than that of applicant as set forth in Claim 24. Applicant's claimed apparatus includes a frame having a frame top, a frame bottom and frame sides defining a frame opening larger than the size of the screen viewing area of the flat panel TV screen, the apparatus also including a mat having a fixed rectangular configuration releasably attached to the frame extending inwardly from the frame top, frame bottom and frame sides along the entire combined

lengths thereof.

The claim further states that the mat when the releasably attached mat and frame are connected to the flat panel TV screen is maintained in a fixed position and immovable relative to the frame and viewing area, extends from the frame toward the screen viewing area and completely surrounds the screen viewing area. These features are important since it allows use of mats with different top, bottom and side dimensions to adapt the structure to flat panel TV screens with different sized housings and viewing areas, as stated above. The Kohno et al. arrangement merely provides an approach for adjusting to different aspect ratios at the left and right sides. There is no suggestion whatsoever of filling in or changing the screening or blocking function at the top or bottom nor of an arrangement allowing different mats with different top, bottom and side lengths and widths to adapt the structure to flat panel TV screens with different sized housings and viewing areas.

Kohno et al. does not provide any teaching whatsoever that the opening and closing device and movable screen cover in any way permit passage therethrough of wireless control transmissions allowing control of audio and visual functions while the Kohno et al. device is in place. The screen of Kohno et al. merely conforms to the shape of and alternatively completely covers or adjustably uncovers side ends of the screen.

It is not associated with any controls of the video display.

Grein et al. fails to remedy the deficiencies of Kohno et al. as a reference. Grein et al. discloses a "virtual reality portrait" system wherein a wide variety of components may be associated with a flat video screen to perform a variety of functions through the use of electronic transmissions from a transmitter that may be located remote from the screen. The signal transmitter can provide signals to multiple remotely located LCD screens and the image and sound can be controlled from a central location. There is no suggestion in Grein et al. of the use of a mat of the type set forth in Claim 24 being formed of material allowing passage therethrough of wireless control transmissions or of the releasably attached frame and mat being cooperable to substantially cover the housing and substantially shield the housing from view by a person observing the screen viewing area while allowing control of audio and video functions by wireless control transmissions through the apparatus.

Grein et al. includes a vague general suggestion that decorative changeable frames may be included to allow the VR portrait display screen to be adapted to various decors. There is no suggestion whatsoever of the frame/mat combination set forth specifically in Claim 24 nor is there any suggestion of the cooperative relationships existing between such structural

elements.

The Examiner admits in paragraph 2, page 7, of the Final Office Action that the combination of Kohno et al. and Grein et al. do "not particularly teach a frame having a frame top, frame bottom and frame sides defining a frame opening and additionally comprising mat attachment structure for releasably attaching the mat to frame whereby said mat may be removed from said frame and replaced by substitute mat as claimed." In other words, an essential and important feature claimed by applicant in Claim 24 is not taught by these two references.

In an attempt to fill in this gaping hole in the Examiner's position, Lin was added to the combination of Kohno et al. and Grein et al.

Lin discloses a form of screen cover featuring a roller type blind 30 which is employed to completely cover the TV screen when not in use. The roller apparatus is combined with a "window" 10 in the form of a rectangular frame having a rectangular opening to create a decorative shade. When the blind is closed, it completely covers the screen. When the blind is open, the screen is completely exposed for viewing, except where overlapped by the window 10. There is no separate, removable mat at all. Instead, the front face of the window has specific patterns or embossments to make the widow look like a frame. The blind 30 is a cover for completely covering the screen, not a

mat. Also, of course there is no teaching or suggestion in Lin of allowing control of audio and video functions by wireless control through the apparatus when installed.

Claim 3 depends directly from Claim 24, Claim 3 reciting that the connector structure comprises a plurality of brackets attached to said frame and extending rearwardly from said frame. The claim further states that the brackets define recesses receiving the housing at spaced locations on the housing. Neither Kohno et al. nor Grein et al. nor Lin provide any suggestion of this feature when incorporated in the novel overall combination of Claim 24 and which facilitates releasable attachment of the frame and mat to the housing to provide the advantages of that feature, as indicated above.

Claim 7 also depends from Claim 24 and recites that the apparatus includes an electronic component receptacle on the frame and defining a receptacle interior for receiving at least one electronic component operatively associated with the flat panel screen operable by wireless control transmissions from a control external of the apparatus, the electronic component receptacle being disposed behind the frame and substantially hidden from view by a person positioned in front of the flat panel TV screen. This feature clearly contributes to the ability of the apparatus to fulfill the dual objectives of the invention - to improve appearance of a flat panel screen while facilitating

operation of audio and video functions related thereto.

There is no teaching or suggestion whatsoever of this feature in Kohno et al., Grein et al., or Lin.

Claims 9 - 14 depend mediately or immediately from Claim 7, the latter depending from Claim 24. Claims 9 - 14 recite features relating to the electronic component receptacle and its relationship to the rest of the apparatus. There is no teaching or suggestion whatsoever in the art of record of the structure of Claims 9 - 14 nor of the structure set forth in Claim 24 and intermediate Claim 7, as discussed above.

More specifically, Claim 9 recites that the electronic component receptacle is divided into a plurality of compartments, each defining a compartment interior, said receptacle interior being at least partially comprised of said compartment interiors, each said compartment interior for receiving a modular electronic component operable by said wireless control transmissions.

This arrangement is novel and provides a practical and desirable approach enabling an individual to readily assemble and utilize any desired combination of modular components. They can be replaced or varied depending upon the requirements or wishes of the user of the system. Kohno et al., Grein et al. and Lin, alone or in combination provide no teaching of this claimed structure.

Claim 10 recites that the apparatus additionally includes receptacle connector structure releasably connecting said electronic component receptacle to said frame. This novel feature provides the user the option of using the frame and mat without the receptacle if desired. Kohno et al., Grein et al. and Lin, alone or in combination provide no teaching of this claimed structure.

Claim 11 recites that the electronic component receptacle defines a plurality of primary openings communicating with the compartment interiors and facilitating selective installation or removal of the modular electronic components. This novel feature facilitating both installation and removal of the components is unique and useful to the user of the apparatus. Kohno et al., Grein et al. and Lin, alone or in combination provide no teaching of this claimed structure.

Claim 12 recites that the electronic component receptacle additionally defines a plurality of auxiliary openings for accommodating wires extending between modular electronic components received by said compartment interiors and said flat panel TV screen. This novel feature serves to facilitate interconnection between the components themselves and also between the components and the TV. Kohno et al., Grein et al. and Lin, alone or in combination provide no teaching of this claimed structure.

Claim 13 recites that the apparatus additionally comprises an electrical connector receptacle for receiving a multi-outlet electrical connector employed to provide an electrical connection between the modular electrical components and a source of electricity. This novel feature allows selective interconnection of the TV and/or modular components to a single power source. Kohno et al., Grein et al. and Lin, alone or in combination provide no teaching of this claimed structure.

Claim 14 states that the electrical connector receptacle is integral with the frame. This novel feature allows connection to power from a single wire leading to the frame. Kohno et al., Grein et al. and Lin, alone or in combination provide no teaching of this claimed structure.

Claim 26 recites that the apparatus additionally comprises mat attachment structure for releasably attaching the mat to the frame whereby the mat may be removed from the frame and replaced by a substitute mat. As noted above, the Examiner has acknowledged that neither Kohno et al. nor Grein et al. teach the feature of a removable and replaceable mat. The patent to Lin fails to remedy the deficiencies of Kohno et al. and Grein et al. as references.

A "window" of Lin supports a shade or blind which covers the entire viewing area when completely unrolled. When partially unrolled it blocks out a portion of the viewing area

and any display thereon. There is no mat associated with the frame. The frame of Lin is sized for a particular size and shape of video display. There is no teaching or suggestion in Lin that the frame thereof (or for that matter the shade or blind associated therewith) in any way permits passage therethrough of wireless control transmissions allowing control of audio and visual functions while the Lin device is in place. The shade or blind of Lin merely conforms to the shape of and alternatively completely covers and uncovers the screen. It is not associated with any controls of the video display whether up or down. There is no suggestion that the frame can be utilized for this purpose either.

Claim 6 depends from Claim 26 and states that the mat attachment structure maintains the mat in a substantially planar condition. There is no teaching of this novel feature in Kohno et al., Grein et al. or Lin.

Claim 27 recites apparatus for releasable connection to a flat panel TV screen to improve the appearance thereof and to facilitate operation of audio and video functions related to the flat panel TV screen. The claim states that the apparatus includes a frame completely surrounding the screen viewing area of the flat panel TV screen when the frame is connected to the flat panel TV screen.

The apparatus also includes a wireless receiver located in the frame for receiving wireless transmissions transmitted toward the frame from a transmitter external of the frame operatively associated with audio/video equipment external of the frame and receiving electronic signals from the audio/video equipment.

It is also recited that the receiver is hidden from view by an observer of the flat panel TV screen and operatively associated with the flat panel TV screen when the apparatus is connected to the flat panel TV screen for inputting the electronic signals into the flat panel TV screen.

Claim 27 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Grein et al. in view of Kim (U.S. 6,678,152). The Grein et al. device or system has been described above. While Grein et al. makes a vague suggestion that the system may include the use of decorative frames, there is no teaching whatsoever of a wireless receiver located in the frame for receiving wireless transmissions directed toward the frame from a transmitter external of the frame operatively associated with audio/video equipment external of the frame and receiving electronic signals from the audio/video equipment; nor is there any suggestion in Grein et al. of the receiver located in the frame being hidden from view by an observer of the flat panel TV screen and operatively associated with the flat panel TV screen

when the apparatus is connected to the flat panel TV screen for inputting said electronic signals into the flat panel TV screen.

The Examiner has expressed the view that one skilled in the art would obviously arrange an antenna and wireless receiver in a frame even though Grein et al. teaches or suggests no such thing. The Examiner acknowledges that Grein et al. does not disclose a wireless receiver located in the frame and hidden from view by an observer as claimed. Of course, this is a fundamental feature of applicant's invention which allows the use of wireless control signals directed to the frame to facilitate operation of wireless audio and video functions related to the flat panel TV screen while improving the appearance thereof.

Kim fails to remedy the deficiencies of Grien et al. as a reference. Kim merely suggests a particular approach for carrying out the well known practice of installing an electrical signal input unit in a displaying apparatus such as in a cover casing holding an LLC panel, in other words in the TV itself. There is no teaching or suggestion in Kim of a frame releasably connected to a flat panel TV screen for improving the appearance thereof, the receiver being hidden from view by an observer of the flat panel TV screen and operatively associated with the flat panel TV screen when the apparatus is connected thereto to input electronic signals into the flat TV screen.

It is respectfully requested that the Examiner's decision rejecting Claims 3, 6, 7, 9 - 14, 24, 26 and 27 be reversed and that the case be passed to issue.

An oral hearing is waived.

Respectfully submitted,

Steve Sanchez

By: 

Thomas R. Lampe, Reg. No. 22,454
BIELEN, LAMPE & THOEMING
1390 Willow Pass Road, Suite 1020
Concord, CA 94520
(925) 288-9720



Atty Dkt: SANCHEZ #2

IN RE: Application of Steve Sanchez
Application Serial No. 10/800,896
Filed: March 15, 2004
For: FLAT PANEL TV SCREEN FRAME SYSTEM

**CERTIFICATE OF MAILING BY
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I hereby certify that this APPELLANT'S AMENDED BRIEF ON APPEAL is being deposited with the United States Postal Service as "EXPRESS MAIL" in an envelope addressed to COMMISSIONER FOR PATENTS, P.O. Box 1450, Alexandria, Virginia 22313-1450 on December 5, 2007. Express Mail No. EQ463495065US.

By: _____


THOMAS R. LAMPE